

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-393

January 28, 2003

MAINE PUBLIC SERVICE COMPANY
Request for Approval of Special Rate
Contract with Naturally Potatoes, Inc.

ORDER APPROVING
CONTRACT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY OF DECISION

By this Order, the Commission approves Maine Public Service Company's (MPS's) proposed Special Rate Contract (contract) with Freshway, Inc., d/b/a Naturally Potatoes, Inc. (Naturally Potatoes).

DISCUSSION AND DECISION

On July 8, 2002, MPS filed with this Commission a proposed three-year, Special Rate contract with Naturally Potatoes. As filed, this contract provided Naturally Potatoes a rate 33% below the regular retail rate, contingent on a finding by the Commission that MPS could defer and fully recover the discounted amount from ratepayers. The Commission Staff raised concerns with this requirement and as a result, on January 21, 2003, MPS filed an Amendment to the contract. As amended, the contract provides a 20% discount to the customer until such a time as the Commission allows MPS to recover the amount of the discount, prospectively, from ratepayers. From that time through the remaining term of the contract, Naturally Potatoes' rate drops to a rate 33% less than the retail rate. The amended contract provides, however, that if the Commission does not allow the prospective discount to be included in rates, the contract terminates.

We have reviewed the contract, as amended, and find that the revenue loss (relative to the retail rates) associated with this contract is not large enough to present significant risk to MPS's other customers. Therefore, we will allow the amended contract to go into effect but make no finding at this time regarding its prudence or the appropriate ratemaking.

Accordingly, we

O R D E R

That the contract with Freshway, Inc., d/b/a Naturally Potatoes, Inc., filed by Maine Public Service Company on July 8, 2002, as modified by the Amendment filed on

January 21, 2003, is hereby approved and may become effective as of January 1, 2003, pursuant to MPS's request.

Dated at Augusta, Maine, this 28th day of January, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.